

DEPARTMENT OF HUMAN SERVICES
DIVISION OF JUVENILE JUSTICE SERVICES
POLICY AND PROCEDURES

Policy No.: 05-13

Effective Date: 05/14/15

Revision Date:09/29/19

Subject: Fingerprints & Photographs

I. Policy Statement

Division shall collect and share certain information regarding juveniles with allied agencies, including law enforcement and the Juvenile Court. Certain identifiable information regarding a juvenile shall be entered into the Courts and Agencies Records Exchange (CARE) system. A juvenile's fingerprints and photographs shall be obtained and shared in accordance with Utah Code §78A-6-1104.

II. Rationale

Staff are required to comply with state and federal law as well as Division and Department of Human Services' policies regarding law enforcement investigations and the collection of fingerprints and photographs of juveniles.

III. Definitions

"Courts and Agencies Record Exchange (CARE)" refers to Utah's Juvenile Justice database utilized by the Juvenile Court, the Division of Juvenile Justice Services, the Division of Child and Family Services, the Office of the Guardian ad Litem and others across Utah's juvenile justice system.

"Bureau of Criminal Identification (BCI)" refers to the state agency that maintains a repository of criminal records (submitted by state law enforcement agencies) that is used by criminal justice agencies for criminal investigations and by non-criminal justice agencies for employment and licensing purposes.

IV. Procedures

A. Fingerprinting

1. Designated trained staff in detention centers shall collect fingerprints of each juvenile of age fourteen (14) years or older in accordance with UCA §78A-6-1104 as follows:
 - a. Staff shall collect fingerprints of each juvenile, age fourteen (14) years or older who is alleged to have committed an offense that would be a felony if the juvenile were eighteen (18) or older.
 - b. Staff shall collect fingerprints of each juvenile, age fourteen (14) years or older, coming to detention with a court order for the purpose of being fingerprinted.
 - c. Staff shall only collect fingerprints of any juvenile under 14 years of age if there is a valid court order to do so, and only in accordance with Rule 27 of

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the Utah Rules of Juvenile Procedure. A court order in the form of an oral authorization from a judge must be documented in the juvenile's file, including the date, time, and the name of the judge.

- d. Staff shall check CARE to determine if a juvenile already has a record of fingerprints in the system. (If fingerprints have already been entered into the CARE system, the record will say "fingerprinted" along with a fingerprint icon displayed in the lower left hand corner of the demographic page).
- e. Staff shall forward collected fingerprints to BCI and shall enter a critical message indicating that the juvenile's fingerprints have been entered into the database in the CARE system.

B. Photographs

- 1. Designated staff in detention centers shall take photographs of each juvenile age fourteen (14) years or older in accordance with UCA 78A-6-1104 as follows:
 - a. Staff shall photograph each juvenile, age fourteen (14) years or older, who is alleged to have committed an offense that would be a felony if the juvenile were 18 or older.
 - b. Staff shall photograph each juvenile, age fourteen (14) years or older, coming to detention with a court order for the purpose of being photographed.
- 2. Staff shall only photograph any juvenile under 14 years of age if there is a valid court order to do so, and only in accordance with Rule 27 of the Utah Rules of Juvenile Procedure. A court order in the form of an oral authorization from a judge must be documented in the juvenile's file, including the date, time, and the name of the judge.
- 3. Staff shall ensure that each juvenile meets the criteria in UCA 78A-6-1104 and in the Utah Rules for Juvenile Procedure (Rule 27) before being photographed.
- 4. Staff shall check CARE to determine if a juvenile already has a photograph in the system, and if so, shall take new photographs if those already in the system are outdated or if the juvenile's appearance has changed significantly.
- 5. Photographs are to be taken with a digital camera and uploaded into CARE following the procedures in the detention facility operations manual.
- 6. Staff shall refer all requests for photographs to the supervisor or the APD. Photographs may be distributed or disbursed to the following individuals or agencies upon request:

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- a. State and local law enforcement agencies;
- b. The Juvenile or District Court; or,
- c. Other facilities or programs within the Division.

V. Continuous Renewal

This policy shall be reviewed every three (3) years to determine its effectiveness and appropriateness. This policy may be reviewed before that time to reflect substantive change.

This policy has been reviewed by the Division of Juvenile Justice Services Executive Management Team, and is approved upon the signature of the Director.



Bret M. Peterson, Director
Division of Juvenile Justice Services

10/11/2019

Signature Date